

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NOE ARMANDO ARTIGA,	§	
TDCJ-CID No. 1984587,	§	
Petitioner,	§	
v.	§	Civil Action No. H-16-2219
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
Respondent.	§	

**RESPONDENT'S RESPONSE TO THIS COURT'S ORDER
OF JUNE 28, 2017, ECF NO. 20**

Through a federal petition for habeas corpus, Texas state prisoner Noe Armando Artiga challenges his felony conviction for murder, for which he was sentenced to 50 years' imprisonment. On June 28, 2017, this Court ordered Artiga and Respondent Lorie Davis ("the Director") to file a response on or before July 28, 2017, indicating the "status of state court habeas proceedings and advise whether the stay of this case should be lifted." ECF No. 20.

The Director believes Artiga has filed a state application for habeas relief, which is pending before the trial court for recommendations of findings of fact and conclusions of law. *See* Exhibit A (electronic docket for *State v. Artiga*, No. 13339100101B, docket entry dated 03/08/2017, "Type: NEXT WRIT EVENT," "Description: FIND OF FACT/CONC OF LAW-D"); *see also* Texas Judicial Branch: Court of Criminal Appeals, "Case Search: Style: Artiga, Noe" (case history indicating *Ex parte Artiga*, Nos. WR-84,603-01, -02 are the only cases docketed in the Court of Criminal Appeals). Because Artiga's state

habeas application appears to still be pending in the state courts, the Director does not oppose the continuation of this Court's stay, granted on July 27, 2016. ECF. No. 12.

Respectfully submitted,

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Attorney General of Texas

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s/ Cara Hanna
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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF CONFERENCE

I do hereby certify that a conference is not possible because Petitioner is incarcerated in the Texas Department of Criminal Justice, Correctional Institutions Division, and is proceeding *pro se* in this cause. Respondent will not speculate as to whether Petitioner will oppose this motion.

s/ Cara Hanna
CARA HANNA
Assistant Attorney General

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the above and foregoing pleading will be served by placing it in the United States Mail, postage prepaid, on Friday, July 28, 2017, addressed to:

Noe Armando Artiga
TDCJ No. 1984587
TDCJ Robertson Unit
12071 FM 3522
Abilene, TX 79601

s/ Cara Hanna
CARA HANNA
Assistant Attorney General